

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KODY W. JANS,

Plaintiff,

V.

RANDY KOHL, Deputy Director of
Health Services; in his official capacity
and in his individual capacity;
Nebraska Department of Correctional
Services Employees, DIANE
SABATKA-RINE, Warden, N.S.P.; in
her official capacity and in her
individual capacity, CHRISTINE L.
FERGUSON, M.D., N.S.P.; in her
official capacity and in her individual
capacity, RANDY CROSBY, Unit
Manager, N.S.P., in his official
capacity and in his individual capacity,
RANDAL BRADLEY, Case Worker,
N.S.P., in his official capacity and in
his individual capacity, JULIE PEW,
APRN, N.S.P.; in her official capacity
and in her individual capacity,
MICHAEL KENNY, in his official
capacity and in his individual capacity,
and TED HAYES, Case Worker,
N.S.P., in his official capacity and in
his individual capacity,

Defendants.

4:15CV3074

**MEMORANDUM
AND ORDER**

Plaintiff has filed a motion (Filing No. [29](#)) seeking the appointment of counsel. The court cannot routinely appoint counsel in civil cases. In [Davis v. Scott, 94 F.3d 444, 447 \(8th Cir. 1996\)](#), the Eighth Circuit Court of Appeals explained that

“[i]ndigent civil litigants do not have a constitutional or statutory right to appointed counsel.” Trial courts have “broad discretion to decide whether both the plaintiff and the court will benefit from the appointment of counsel, taking into account the factual and legal complexity of the case, the presence or absence of conflicting testimony, and the plaintiff’s ability to investigate the facts and present his claim.” *Id.* Having considered these factors, the request for the appointment of counsel will be denied without prejudice to reassertion.

IT IS THEREFORE ORDERED that: Plaintiff’s Motion to Appoint Counsel (Filing No. [29](#)) is denied without prejudice to reassertion.

DATED this 30th day of June, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge